

# Senate File 2033 - Introduced

SENATE FILE \_\_\_\_\_  
BY ZIEMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the disposition of school property.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5240XS 82  
4 ak/nh/5

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1 1 Section 1. Section 278.1, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. ~~Direct~~ Except when prohibited by section 297.25, direct  
1 4 the sale, lease, or other disposition of any schoolhouse or  
1 5 school site or other property belonging to the corporation,  
1 6 and the application to be made of the proceeds thereof,  
1 7 ~~provided, however, that. However, nothing herein in this~~  
1 8 section shall be construed to prevent the sale independent  
1 9 action by the board of directors of the corporation to sell,  
1 10 lease, exchange, gift, or grant and acceptance, or otherwise  
1 11 dispose of any interest in real or other property by the board  
1 12 of directors without an election of the corporation to the  
1 13 extent authorized in section 297.22. For the purposes of this  
1 14 subsection, "dispose" or "disposition" includes the exchange,  
1 15 transfer, demolition, or destruction of any real or other  
1 16 property of the corporation.

1 17 Sec. 2. Section 297.22, subsection 1, Code 2007, is  
1 18 amended to read as follows:  
1 19 1. a. The board of directors of a school district may  
1 20 sell, lease, or dispose of, in whole or in part, a  
1 21 schoolhouse, school site, or other property belonging to the  
1 22 district. If the real property contains less than two acres,  
1 23 is located outside of a city, is not adjacent to a city, and  
1 24 was previously used as a schoolhouse site, the procedure  
1 25 contained in sections 297.15 through 297.20 shall be followed  
1 26 in lieu of this section.  
1 27 b. Proceeds from the sale or disposition of real property  
1 28 shall be placed in the physical plant and equipment levy fund.  
1 29 Proceeds from the sale or disposition of property other than  
1 30 real property shall be placed in the general fund. Proceeds  
1 31 from the lease of real or other property shall be placed in  
1 32 the general fund.  
1 33 c. Before the board of directors may sell, lease for a  
1 34 period in excess of one year, or dispose of any property  
1 35 belonging to the school, the board shall hold a public hearing  
2 1 on the proposal. The board shall set forth its proposal in a  
2 2 resolution and shall publish notice of the time and the place  
2 3 of the public hearing on the resolution. The notice shall  
2 4 also describe the property. A locally known address for real  
2 5 property may be substituted for a legal description of real  
2 6 property contained in the resolution. Notice of the time and  
2 7 place of the public hearing shall be published at least once  
2 8 not less than ten days but not more than twenty days prior to  
2 9 the date of the hearing in a newspaper of general circulation  
2 10 in the district. After the public hearing, the board may make  
2 11 a final determination on the proposal contained in the  
2 12 resolution.  
2 13 d. However, property having a value of not more than five  
2 14 thousand dollars, other than real property, may be disposed of  
2 15 by any procedure which is adopted by the board and each sale  
2 16 shall be published by at least one insertion each week for two  
2 17 consecutive weeks in a newspaper having general circulation in  
2 18 the district.  
2 19 e. For the purposes of this subsection, "dispose" or  
2 20 "disposition" includes the exchange, transfer, demolition, or  
2 21 destruction of any real or personal property of the school

2 22 district.

2 23 Sec. 3. Section 297.25, Code 2007, is amended to read as  
2 24 follows:

2 25 297.25 RULE OF CONSTRUCTION.

2 26 Section 297.22 shall be construed as independent of the  
2 27 power vested in the electors by section 278.1, and as  
2 28 additional to such power. If a board of directors has  
2 29 exercised its independent power under section 297.22 regarding  
2 30 the disposition of real or personal property of the school  
2 31 district and has by resolution approved such action, the  
2 32 electors may not subsequently proceed to exercise their power  
2 33 under section 278.1 for a purpose directly contrary to an  
2 34 action previously approved by the board of directors in  
2 35 accordance with section 297.22. Such prohibition on electors  
3 1 exercising their power in regard to an action by the board  
3 2 shall expire at the end of the same calendar year that the  
3 3 board approved an action unless the action itself includes a  
3 4 specific time frame.

3 5 EXPLANATION

3 6 This bill relates to the disposition of school property.  
3 7 The bill specifies that the board of directors of a school  
3 8 district may take independent action to dispose of any  
3 9 interest in real or other property of the school corporation.  
3 10 The bill states that, for the purposes of the bill, "dispose"  
3 11 or "disposition" includes the exchange, transfer, demolition,  
3 12 or destruction of any real or personal property of the school  
3 13 district. The bill prohibits voters from exercising their  
3 14 power to direct the disposition of school district property  
3 15 for any purpose directly contrary to an action previously  
3 16 approved by the board of directors under Code section 297.22  
3 17 regarding real or personal property of the school district.  
3 18 Such prohibition on electors exercising their power in regard  
3 19 to an action by the board shall expire at the end of the same  
3 20 calendar year that the board approved an action unless the  
3 21 action itself includes a specific time frame.  
3 22 LSB 5240XS 82  
3 23 ak/nh/5